IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 213 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHOPABHAI SHANABHAI BHARWAD - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR AD DESAI for Applicant(s) : 1,
Mr HL Jani, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 07/05/2007

ORAL JUDGMENT

Upon Notice being issued to the original complainant after conversion of the Revision

Application into Special Criminal Application, the original complainant has appeared through learned advocate Mr M.O. Barot and he has himself remained present in the court. It was jointly submitted by learned counsel on both sides that, after the petitioner being convicted for the offence under section 161 of the Gujarat Panchayats Act, 1961 for allowing his cattle to stray in the field of the complainant and causing damage to the crops and after rejection of his appeal, the parties have entered into an amicable settlement and the petitioner has made good the loss caused to the original complainant. Therefore, the original complainant i.e. respondent No.2, as also the learned APP had no objection to the order of conviction and sentence being set aside in the interest of justice and to prevent unnecessary imprisonment of one month for the petitioner. Therefore, by consent and upon joint request of the parties who are present in the court, the petition is allowed and the judgment and order dated

28.8.1997 of learned J.M.F.C., Matar and the order dated 7.1.1998 of learned Sessions Judge in Criminal Appeal No.7 of 1997 are set aside. Rule is made absolute with no order as to costs. Bail bonds furnished by the petitioner shall stand cancelled.

sd/-
[D. H. Waghela, J.]

msp